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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,138	05/30/2001	Makoto Kai	5077-000051	8863

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EXAMINER

HARPER, HOLLY R

ART UNIT PAPER NUMBER

2879

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/870,138

Applicant(s)

KAI ET AL.

Examiner

Holly R. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4,7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The applicants amendments, filed on 4/24/2003 and 5/20/2003, have been entered and acknowledged by the Examiner.

Claims 4 and 7-10 were canceled. Claim 4 has not been re-entered. A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number. For the purpose of examination and dependent on the filing of an amendment adding the claim as a newly numbered claim, the claim has been examined as claim 4.

Claims 11-23 were cancelled.

### ***Drawings***

2. Figures 9-11 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Discharge lamp and lamp unit with caulking member.

***Claim Rejections - 35 USC § 102.***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kyoichi (JP 06227381).

In regard to claim 1, the Kyoichi reference discloses a gas discharge lamp with a light emitting tube (abstract). The lamp has a pair of electrodes (Figure 1, element 2a and 2b) opposed to each other inside the tube and sealing portions for enclosing the metal foils (Figure 1, Element 5). The foils are electrically connected to the electrodes and to the external leads (Figure 1, Element 6). The external leads are connected to the nickel leads by a nickel sleeve (Figure 1, Element 7 and 8). This process incorporates welding, which creates plastic flow.

In regard to claim 2, the Kyoichi reference discloses that the external lead and the nickel lead are connected by a nickel sleeve, which is cylindrical in shape (Figure 1, Element 8).

In regard to claim 3, the Kyoichi reference discloses that the external leads are made of molybdenum (Column 4, Line 6) and the sleeve is made of nickel, which is a softer material than the molybdenum.

In regard to claim 4, the Kyoichi reference discloses that the sleeve is made of nickel, which has oxidation resistant properties.

In regard to claim 5, the Kyoichi reference discloses a gas discharge lamp with a light emitting tube (abstract). The lamp has a pair of electrodes (Figure 1, element 2a and 2b)

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opposed to each other inside the tube and sealing portions for enclosing the metal foils (Figure 1, Element 5). The foils are electrically connected to the electrodes and to the external leads (Figure 1, Element 6). The external lead and nickel lead are integrally fused by the nickel sleeve (Column 4, Lines 7-8).

In regard to claim 6, the discharge lamp has a reflecting mirror (Figure 1, Element 4).

### ***Response to Arguments***

6. Applicant's arguments filed 4/24/2003 have been fully considered but they are not persuasive.

Regarding applicants claim that Kyoicki does not disclose the external lead joined to the lead wire by plastic flow of a caulking member, the examiner respectfully disagrees. The Kyoicki reference discloses that the two wires are joined by resistance welding. Resistance welding is the fusing metals using the resistance of the metals to the flow of electricity, as the source of heat. This process creates plastic flow. The Kyoicki reference discloses a nickel sleeve, which is used as a caulking member. A caulking member is used to stop up and make tight. When the welding process is performed, the nickel sleeve becomes tight and firmly joins the two wires. The nickel sleeve is formed of a material softer than the molybdenum of the external leads and has excellent oxidation resistance properties.

Regarding the applicants claim that Kyoicki does not disclose that the external lead joined to the lead wire are integrally formed, the examiner respectfully disagrees. The applicant discloses in claim 5 both an external lead and a lead wire. Integral is defined as serving as an

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essential part of the whole, to make whole. By welding the external lead and the lead wire, the wires are now integrally formed and act as one wire, as disclosed by Kyoicki.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper  
Patent Examiner  
Art Unit 2879



ASHOK PATEL  
PRIMARY EXAMINER